

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00347-CR

Jason Floyd Tarr, Appellant

v.

The State of Texas, Appellee

**FROM THE 207TH DISTRICT COURT OF HAYS COUNTY
NO. CR-15-0714, THE HONORABLE JACK H. ROBISON, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant's brief was originally due on December 18, 2017. After this Court granted multiple motions requesting an extension of time to file his brief, appellant's brief was due on June 18, 2018. In granting the most recent extension, this Court advised counsel that no further extensions would be granted and that failure to comply with our order would result in the referral of this case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure. To date, the brief has not been tendered for filing and is overdue.

The appeal is abated and remanded to the trial court. The trial court shall conduct a hearing to determine whether appellant desires to prosecute this appeal and, if so, whether counsel has abandoned this appeal. *See* Tex. R. App. P. 38.8(b)(2), (3). The court shall make appropriate written findings and recommendations. *See id.* R. 38.8(b)(2), (3). If necessary, the court shall appoint substitute counsel who will effectively represent appellant in this appeal. Following the hearing, which shall be transcribed, the trial court shall order the appropriate

supplemental clerk's and reporter's records—including all findings and orders—to be prepared and forwarded to this Court no later than July 23, 2018. *See id.* R. 38.8(b)(3).

It is so ordered June 21, 2018.

Before Chief Justice Rose, Justices Goodwin and Field

Abated and Remanded

Filed: June 21, 2018

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